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## **500.01 Introduction**

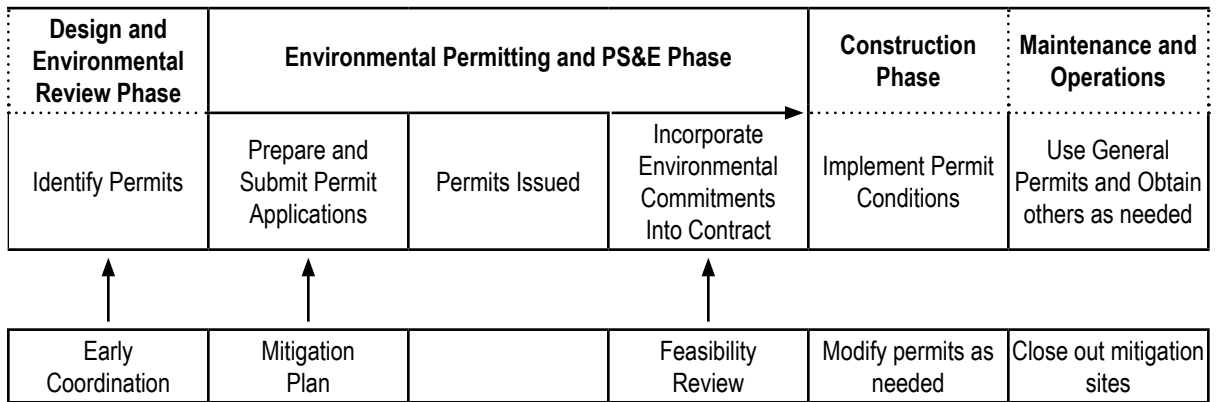
Washington State’s transportation system policy goals include environmental protection: “To enhance Washington’s quality of life through transportation investments that promote energy conservation, enhance healthy communities, and protect the environment ([RCW 47.04.280\(1\)\(e\)](#)).” WSDOT is committed to protecting the quality of our air, water, cultural and natural resources. WSDOT directs its employees to support the state’s goal by following sound environmental practices in the planning, design, construction, operation, and maintenance of the state’s transportation system and facilities, which also includes obtaining environmental permits (Environmental Policy Statement). WSDOT’s efforts to ensure our activities meet this commitment include:

- Integrating environmental protection features in the design of projects and maintenance activities.
- Working with Tribal, federal, state, and local agencies to ensure our projects and maintenance work complies with applicable laws, regulations, and permitting requirements.
- Incorporating environmental commitments (such as permit conditions) into project-level contracts, and tracking them throughout project delivery.
- Training staff to identify risks and minimize the potential for harm by implementing best management practices.

We first seek to avoid impacting protected resources. When we cannot avoid impacts, we obtain environmental permits to comply with these laws. Resource agencies issue permits that include conditions so our work will have minimal impacts to the environment and, when needed, provide direction on mitigation to offset those impacts.

## 500.02 Permit Overview

Exhibit 500-1 Environmental Permitting Phase



The permit process begins during project scoping ([Chapter 300](#)) when the Environmental Review Summary (ERS) is completed. Environmental Coordinators identify which permits would be required based on the preliminary design and the regulatory requirements. Visit the WSDOT [Environmental permits and approvals](#) webpage for a list of permits and approvals commonly required for WSDOT projects.

WSDOT conducts studies and gathers information during the environmental review phase ([Chapter 400](#)) to determine what permits are required.

WSDOT often discusses permit requirements through early coordination with the resource agencies. The extent of the coordination should be proportionate to the level of impact a project will have on the environment. Project teams can design the project to avoid and minimize impacts to the environment, potentially reducing the time and resources it takes to complete the project’s permitting phase.

Resource agencies issue most permits during the second half of the design phase. The timing may be different for Design-Build (or different contracting methods) projects. As the permits are issued, WSDOT reviews the conditions to ensure they can be implemented during construction. During the plans, specifications, and estimates (PS&E) phase, commitments from the permits are incorporated into the contract before advertising the project for bids ([Chapter 590](#)).

The Memorandum of Agreement (MOA) concerning Implementation of the Fish and Wildlife Hydraulic Code for Transportation Activities describes how WSDOT and WDFW will cooperate to ensure consistent and uniform application of [RCW 77.55](#) (construction in state waters) and [WAC 220-660](#) (hydraulic code rules). This MOA includes guidelines for early coordination, the Chronic Environmental Deficiency (CED) program, fish passage, and conflict resolution.

## 500.03 Roles and Responsibilities

Effective communication between the environmental staff, the design team, and the resource agencies is crucial to build trust and efficiently permit a project. This section provides general guidance for the major groups involved in the permitting process. Be sure to follow guidance on WSDOT's [Environmental permits and approvals](#) webpages and region/ferries processes for permitting projects, if applicable.

### 500.03(1) **Resource Agencies**

- Understand the project(s) they are being asked to permit.
- Help WSDOT determine permitting requirements (e.g., what is needed for a complete application, mitigation requirements) through verbal and written communication and conducting site visits.
- Review applications and issue permits.
- Provide technical and regulatory guidance.
- Conduct site visits during construction to verify compliance with permits.

### 500.03(2) **Environmental Manager/Assistant Manager/Supervisors**

- Track environmental scope, schedule, and budget.
- Oversee environmental staff.
- Help resolve environmental conflicts as they arise.
- Ensure compliance with federal, state, local, and tribal environmental requirements.
- Foster good relationships with the resource agencies.
- Review draft permit applications to ensure they are complete.
- Notify resource agencies when required by the permits.
- Record annual usage of general permits and report this annually to the Environmental Services Office (ESO).

### 500.03(3) **Project Environmental Coordinator**

- Coordinate with the Design Team to understand the project's scope, schedule, budget, and project footprint.
- Determine which permits a project may require.
- Coordinate with environmental technical experts to determine a project's impact to that resource and ensure completion of permit supporting documentation (e.g., wetland delineation, mitigation plan).
- Determine if design changes affect permitting requirements.
- Fill out the permitting section of the ERS and Environmental Classification Summary (ECS).
- Coordinate early and throughout the project with resource agencies to identify permit requirements and discuss opportunities to avoid and minimize impacts to natural resources.

- Gather information and fill out permit applications.
- Ensure consistency between project design, environmental documentation, and the permit application.
- Submit complete and accurate permit applications to the agencies.
- Track and assign permit conditions to ensure fulfillment.
- Ensure environmental commitments are reflected in the construction contract.

#### **500.03(4) WSDOT Environmental Technical Experts (Headquarters, Regions, and Ferries)**

- Identify project impacts on sensitive areas such as wetlands ([Chapter 431](#)), streams ([Chapter 430](#)), floodplains ([Chapter 432](#)), cultural resources ([Chapter 456](#)), fish and wildlife habitat ([Chapter 436](#)), and sites with hazardous waste ([Chapter 447](#)).
- Document the impacts in technical reports or memos.
- Develop mitigation options when resource impacts are unavoidable.
- Help environmental coordinators answer technical permitting questions.
- Provide assistance during construction as needed.

#### **500.03(5) Design Team**

- Provide project definition during scoping phase.
- Provide project design information to help the Environmental Coordinator determine permitting requirements and complete the permit application.
- Provide project drawings for the permit application package that meet the resource agency requirements.
- Design the project to avoid and minimize impacts to environmental resources.
- Communicate design changes to environmental staff.
- Review permit applications to ensure consistency with design.
- Incorporate environmental commitments into the construction contract.
- Ensure plan sheets show sensitive areas.

#### **500.03(6) ESO Compliance Solutions Branch**

- Communicate permitting policy and process changes to regions, maintenance, Ferries, and other project environmental offices.
- Create interagency agreements with resource agencies.
- Develop and maintain permitting guidance.
- Negotiate general permits and report annual usage to the resource agencies.
- Review environmental permitting bills from the legislature to determine their potential impact on WSDOT.
- Organize statewide environmental coordinator roundtable meetings to discuss resource updates and lessons learned.

### **500.03(7) Regional Maintenance Environmental Coordinator (RMEC)\*/ Maintenance Staff**

- Implement the Regional Road Maintenance Program to avoid and minimize impacts to fish and aquatic species.
- Use WSDOT general permits for maintenance activities where possible.
- Obtain project-specific environmental permits to ensure compliance with federal, state, local, and tribal environmental requirements.
- Review long-term commitments from construction projects to ensure they can be fulfilled by WSDOT maintenance.
- Communicate environmental requirements to maintenance staff.
- Enter general permits usage into the Highway Activity Tracking System (HATS) database and conduct quarterly QA/QC.

### **500.04 Identify the Required Permits Through Early Coordination**

The Environmental Coordinator works closely with the Design Team to obtain a good understanding of the funded project scope to successfully identify the permits required for a project. The WSDOT Project Summary Database contains a Project Definition, Design Decisions, and an ERS, prepared during the scoping process ([Chapter 300](#)). WSDOT uses the ERS form to identify the potential environmental impacts, mitigation options, and permits needed for a project. An Environmental Coordinator will work closely with the design team to determine if the funded project scope has changed since the ERS form was signed.

Second, the Environmental Coordinator uses information generated during the Environmental Review Phase ([Chapter 400](#)) to determine which permits are required for a project. The Environmental Coordinator needs to know which activities trigger various permits. For example, any work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state requires a Hydraulic Project Approval (HPA) permit (see [RCW 77.55.011\(11\)](#)).

A list of permits, statutory authorities, and guidance for the most commonly used federal, state, and local permits and approvals can be found on the WSDOT [Environmental permits and approvals](#) webpage. The Office of Regulatory Innovation and Assistance (ORIA) [Environmental Regulatory Handbook](#) provides additional in-depth information about [environmental permits and approvals](#).

Resource agency staff and WSDOT's liaisons are another great resource for permitting questions. Environmental Coordinators are encouraged to coordinate early with these staff to discuss project details and to identify information the regulators need to process the application. Resource agency coordination is an opportunity to obtain technical feedback to avoid and minimize environmental impacts. The extent of early coordination should be proportionate to the level of environmental risk a project presents.

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\*RMECs have similar permitting responsibilities for maintenance activities as environmental coordinators listed above.

## 500.05 Seek Permit Streamlining Options and Provide Schedule Input

Having a clear understanding of permitting timelines will help WSDOT avoid project delays and surprises. WSDOT environmental staff should coordinate closely with the design team to ensure the project schedule accurately reflects amount of time it will take to obtain environmental permits and approvals.

Environmental Coordinators and designers can reduce the time it takes to obtain permits and approvals by finding ways to avoid and minimize environmental impacts. For example, designers can steepen a road embankment or use retaining walls to avoid direct wetland impacts. Avoiding wetland impacts may prevent WSDOT from having to obtain a permit from the US Army Corps of Engineers (Corps). Federal and state policies and directives require WSDOT to first avoid and then minimize wetland impacts. Contact your region Biologist or visit the [WSDOT's Wetlands](#) webpage for additional information.

Environmental Coordinators can also check the WSDOT [Hydraulic Project Approval](#) and [Clean Water Act, Section 402 - National Pollutant Discharge Elimination System \(NPDES\) Permit](#) webpages to see if the project activities are covered by existing general permits. One of the most commonly used general permit for preservation projects is the Bridge Maintenance and Preservation General Hydraulic Project Approval (GHPA) for painting, general maintenance and repair, and deck replacement.

Once an environmental coordinator has determined which permits are needed, the time frame to obtain each permit should be reflected in the project schedule along with any predecessors. This will allow the project team to determine the critical path. The schedule should show environmental permits being obtained at least one month before the project goes to advertisement for bids. This will allow the project team enough time to incorporate environmental commitments into contracts (see [Chapter 590](#)).

## 500.06 Submit a Complete Permit Application and Obtain Permits

WSDOT uses the [Joint Aquatic Resource Permit Application \(JARPA\)](#) to obtain the aquatic permits from federal, state, and local resource agencies. JARPA is a single permit application for activities in or along aquatic environments. A multiagency committee created an application that applicants can use to apply for more than one permit at a time. However, some agencies require using a different application form. A complete permit application package submittal is comprised of three main parts:

- A completed permit application
- Permit drawings
- Supporting documents

WSDOT can reduce permitting schedule delays by submitting a complete permit application package to the resource agencies. To reduce these delays, WSDOT collaborated with the Corps Seattle District, Ecology, and the Washington Department of Fish and Wildlife (WDFW) to develop and maintain complete permit application guidance ([RCW 47.85.020\(3\)](#)). This guidance identifies the information WSDOT is required to provide for the agencies to determine our application is complete. The drawing guidance lists the information that

needs to be included in the permit drawings and formatting requirements. Complete permit application and drawing guidance is available on WSDOT's [Environmental permits and approvals](#) webpages.

Project teams must perform internal reviews to ensure quality and consistency before submitting permit application materials to the resource agencies ([RCW 47.85.020\(4\)](#)).

Once the agencies notify you that your permit submittal is complete, a “regulatory review clock” starts for some of the resource agencies. This term refers to the time an agency has to issue a permit decision to WSDOT. Some agencies have statutory requirements that set a maximum number of days they have to issue a permit decision. For example, the WDFW has 45 days to issue Hydraulic Project Approval permits ([RCW 77.55.021\(7\)b](#)). The ORIA [Environmental Regulatory Handbook](#) provides permit information, including how long it takes agencies to issue certain permits.

Local agencies (city, town, code city, or county) must make a final determination on all permits required for a project on a state highway no later than 90 days after we submit a complete permit application to the greatest extent practicable for WSDOT projects that cost less than five hundred million dollars ([RCW 47.01.485](#)).

## 500.07 Review and Manage Permits During PS&E

Once a resource agency issues a permit, WSDOT should immediately review the conditions to ensure its requirements are feasible and constructible. Engineers responsible for the project design and construction should review the environmental commitments. If WSDOT identifies a permit condition that is unclear or is not feasible, staff should first work with the resource agency permit writer. If there are unresolvable issues with the resource agency, the permit decision may need to be appealed. Appeal times vary depending on the agency issuing the permit.

WSDOT's construction contracts must reflect the environmental commitments for which the contractor is responsible ([Chapter 590](#)). Procedures for incorporating commitments into contracts can be found on the WSDOT [Environmental commitments and compliance](#) webpage.

## 500.08 Manage Permits and Conditions During Construction

WSDOT is ultimately responsible for ensuring compliance with environmental permits and approvals during construction ([Chapter 600](#)). WSDOT employees have a role in ensuring that the contractor's work is compliant with the environmental permits. Staff conduct field inspections to ensure that project activities comply with permit conditions and environmental commitments ([RCW 47.85.030\(3\)](#)). Procedures for ensuring compliance are available on the WSDOT [Environmental commitments and compliance](#) webpage.

Sometimes the scope of a project changes after the permit issuance.

Environmental staff evaluates the impacts of the change to determine whether WSDOT needs to adapt environmental approvals or obtain new permits or permit modifications. Construction staff need to notify project Environmental staff immediately when a project

modification is proposed. Environmental staff should contact the resource agencies to describe the change so they can determine if a permit modification or additional permits are necessary. If the change requires a permit modification, it must be secured before the contractor is allowed to do the work within the area that requires permit coverage.

## 500.09 Links to Permitting Resources

- WSDOT [Environmental permits and approvals](#)
- WSDOT [Liaison Program](#)
- [JARPA](#)
- ORIA [Environmental Regulatory Handbook](#)

## 500.10 Abbreviations and Acronyms

Corps	US Army Corps of Engineers
CRIP	Cost Reduction Incentive Proposals
ECS	Environmental Classification Summary
EPC	Early Project Coordination
ERS	Environmental Review Summary
ESA	Endangered Species Act
ESO	Environmental Services Office
HPA	Hydraulic Permit Approval
JARPA	Joint Aquatic Resource Permit Application
NEPA	National Environmental Policy Act
NPDES	National Pollutant Discharge Elimination System
NOI	Notice of Intent
NWP	Nationwide Permit (US Army Corps of Engineers)
ORIA	Office of Regulatory Innovation and Assistance
PS&E	Plans, Specifications, & Estimates
RMEC	Regional Maintenance Environmental Coordinator
SEPA	State Environmental Policy Act



## 500.11 Glossary

**Approval** – General term referring to any document other than a permit that needs a signature by someone in authority at the agency having statutory jurisdiction over that activity. The document may be called an approval, certification, concurrence, easement, or license, all of which represent an agency signifying, “Yes we authorize you to conduct this activity as long as you do it in this manner.” An approval may specify conditions under which the activity is performed.

**General Permit** – Also referred to as a “Programmatic Permit,” a general permit is issued by a federal or state agency to cover a specific type of activity in a certain geographic area (national, statewide, or regional). For certain NPDES general permits, WSDOT must submit a “Notice of Intent” (NOI) to request coverage under the permit for a particular activity; the agency may approve or disapprove coverage.

**Individual Permit** – A permit issued to WSDOT by a resource agency for a particular activity or project that is not covered by a General Permit; usually needed for more complex or extensive projects.

**JARPA** – JARPA is a single permit application for activities within or near aquatic environments. Multiple resource agencies (federal, state, and local) developed application that applicants can use to apply for multiple aquatic permits. However, some state and local agencies may require separate permit applications.

**Nationwide Permit** – A type of General Permit issued by the Corps under Section 404 and/or Section 10.

**Permit** – A document required by law and issued by a resource agency or tribe that authorizes a specific type of activity under certain conditions.

**Programmatic Permit** – Also referred to as a “General Permit” a programmatic permit is issued to WSDOT to cover a certain type of activity such as bridge and ferry terminal washing/cleaning, culvert maintenance, or use of insecticides for mosquito control.

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